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6

7  
8 UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON AT PORTLAND

9 TANYA ANDERSEN, Individually and as  
10 Representative of Others Similarly  
11 Situated,

12 Plaintiffs,

13 v.

14 ATLANTIC RECORDING  
CORPORATION, a Delaware corporation;  
15 PRIORITY RECORDS, LLC, a California  
limited liability company; CAPITOL  
16 RECORDS, INC., a Delaware corporation;  
UMG RECORDINGS, INC., a Delaware  
17 corporation; and BMG MUSIC, a New  
York general partnership; RECORDING  
18 INDUSTRY ASSOCIATION OF  
AMERICA; SAFENET, INC., f/k/a  
19 MEDIA SENTRY, INC., a Delaware  
corporation; SETTLEMENT SUPPORT  
20 CENTER, LLC, a Washington limited  
liability company

21 Defendants.  
22

No. CV 07-934 BR

Declaration of Benjamin R. Justus in  
Support of Plaintiff's Opposition to  
Defendants' Motion to Dismiss First  
Amended Complaint

23 I, Benjamin R. Justus, declare and certify as follows:  
24

25 1. I am one of the attorneys for plaintiff Tanya Andersen, and I have personal knowledge of all  
26 matters described herein.

Declaration of Benjamin R. Justus in Support of Plaintiff's Opposition to Defendants'  
Motion to Dismiss First Amended Complaint

- 1

Lybeck♦Murphy LLP  
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2. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' Response in Opposition to Defendant's Motion to Voluntarily Dismiss Counterclaims filed in Atlantic Recording Corp., et al v. Andersen, Case No. CV 05-933 AS (D. Or.).

3. Attached hereto as Exhibit B is a true and correct copy of the September 18, 2007 Findings and Recommendation of Judge Donald Ashmanskas, entered in Atlantic Recording Corp, et al v. Andersen, Case No. CV 05-933 AS (D. Or.).

4. Attached hereto as Exhibit C is a true and correct copy of the September 19, 2007 Order of Judge Richard A. Lazzara, entered in UMG Recordings, Inc. et al v. Del Cid, Case No. 8:07-cv-368-T-26TGW (M.D. Fla.).

5. Attached hereto as Exhibit D is a true and correct copy of the September 21, 2007 Findings and Recommendation of Judge Donald Ashmanskas, entered on in Atlantic Recording Corp. et al v. Andersen, Case No. CV 05-933 AS (D. Or.).

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated at Mercer Island, Washington this 28th day of September, 2007.

By: /s/ Benjamin R. Justus  
Benjamin R. Justus, admitted *pro hac vice*  
Attorney for plaintiffs

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF OREGON**

3                                   **AFFIDAVIT OF SERVICE**

4       State of Washington       )  
  ) ss.  
5       County of King            )

6               I hereby certify and declare that on the 28th day of September, 2007, I electronically filed the foregoing  
7       Declaration of Benjamin R. Justus in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss First  
      Amended Complaint with the Clerk of the Court using the CM/ECF system, which will send notification of such  
      filing to the following:

8       **Atty/Defendants:**

9       Kenneth R. Davis, II  
10      William T. Patton  
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      All parties are registered as CM/ECF participants for electronic notification.

      DATED at Mercer Island, Washington, this 28th day of September, 2007.

By:           /s/ Lory R. Lybeck            
      Lory R. Lybeck (OSB #83276)  
      Benjamin R. Justus (WSBA #38855) admitted *pro hac*  
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